

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI**

AFFIDAVIT

I, Gregory Bowie, being duly sworn, depose and state the following:

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI) assigned to the office of the Resident Agent in Charge in Springfield, Missouri, and have been so employed since March 2001. As part of my duties as an HSI agent, I investigate criminal violations relating to illegal aliens including violations of 18 U.S.C. § 922(g)(5), possession of firearms and ammunition by aliens illegally or unlawfully in the United States. I have received training in the area of illegal aliens in possession of firearms and ammunition and have had the opportunity to participate in investigations involving illegal aliens in possession of firearms and ammunition.

2. This affidavit is submitted for the limited purpose of establishing probable cause that Jose Trinidad VARGAS-Leon, the defendant herein, committed a violation of Title 18, United States Code, Section 922(g)(5). Consequently, this affidavit does not include every fact known to me.

3. On July 12, 2018 Immigration and Customs Enforcement (ICE) Deportation Officers (DO) Max Pulley and Robert S. Harriman encountered Jose Trinidad VARGAS-Leon during a vehicle stop in Marshfield, Missouri. VARGAS-Leon was the driver of the vehicle with Carlos Medrano-Rodriguez and Antonio Lopez-Fuentes as passengers. DO Pulley asked all occupants of the vehicle for their identification documents and they presented Mexican identification documents. All admitted to being citizens of Mexico and illegally present in the United States. DO Pulley called the Marshfield Police Department for assistance with the vehicle stop.

4. Marshfield Police Officer Chism and Chief Fannen responded to the scene and cited VARGAS-Leon for driving without a license and called a towing company to pick up the vehicle. During an inventory search of the vehicle Chief Fannen discovered a loaded pistol in the cab of the truck and eleven rounds of 20-gauge shotgun ammunition in the pickup bed. Chief Fannen asked who the firearm belonged to and VARGAS-Leon stated, "It's mine". DO Harriman then advised VARGAS-Leon of his Miranda Rights. DO Pulley asked VARGAS-Leon if the gun was his and he said that it was his gun. The firearm has the markings "Raven Arms Industry Calif" on the slide portion of the firearm and is stamped with serial number 889787. The magazine was loaded with six rounds of .25 Auto ammunition. The firearm and ammunition were turned over to the Marshfield Police Department as evidence for storage purposes. VARGAS-Leon along with passengers Medrano and Lopez were transported to the ICE office for further questioning and administrative processing.

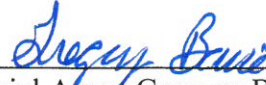
5. DO Pulley along with DO Erik Hickox interviewed VARGAS-Leon at the ICE office. DO Pulley asked VARGAS-Leon his nationality and country of birth. VARGAS-Leon stated that he was a citizen and national of Mexico born in Guanajuato, Mexico. VARGAS-Leon stated that he entered the United States by crossing the United States / Mexico border on foot on an unknown date in 2011 at or near an unknown place in Arizona without inspection by an immigration officer. VARGAS-Leon was found in possession of a Mexican passport, Mexican voter registration card, and a Mexican Matricula Consular card. A check of ICE databases (CIS, Claims, IAFIS) was negative by name, date of birth, and fingerprints. DO Pulley advised VARGAS-Leon of his right to communicate with a Consular Officer from his country as per Article 36 (1) (b) of the Vienna Convention on Consular Relations, to which VARGAS-Leon requested notification to the Mexican Consulate. DO Pulley notified the Mexican Consulate in Kansas City, Missouri of VARGAS-Leon's arrest via facsimile and verification was placed in his file.

6. DO Pulley asked VARGAS-Leon if he was the owner of the firearm found in the vehicle. VARGAS-Leon stated that he was the owner of the firearm and had owned the firearm for seven years. DO Pulley asked VARGAS-Leon if he owned any other firearms or if there were any other firearms at his residence. VARGAS-Leon said that he did have a .380 caliber pistol with ammunition at his residence. VARGAS-Leon was asked about the shotgun ammunition found in his vehicle and he stated that it did not belong to him and he did not own a shotgun. When asked how shotgun ammunition got into his vehicle VARGAS-Leon stated that he was shooting firearms at his cousin's house about two weeks ago and it could have been left behind. DO Pulley asked VARGAS-Leon if he would sign a consent to search form to allow him to retrieve the other firearm from his residence. VARGAS-Leon agreed to sign the consent to search form and to turn over the firearm. VARGAS-Leon was transported to his residence located at 128 N. Vine Street Marshfield, MO by DO Pulley and Hickox.

7. At the residence VARGAS-Leon told officers that the firearm was between the mattresses in his bedroom. DO Pulley raised the mattress and found a loaded Hi-point CF380 pistol serial number P8024690. Also found in the bedroom was 43 rounds of .380 ACP ammunition, 40 rounds of .25-06 Remington ammunition, 38 rounds of .40 S&W ammunition, 21 rounds of .25 Auto ammunition, 1 round of 9mm Luger ammunition, and 1 round of 17-caliber ammunition. The firearm and ammunition was seized and turned over to the ATF for storage. VARGAS-Leon was transported back to the ICE office after the residence was secured.

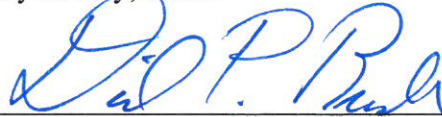
8. HSI SA Greg Bowie read VARGAS-Leon his Miranda Rights and asked him to sign a waiver form if he wished to answer questions and he stated that he understood his rights and wanted to speak to an attorney. No additional questions were asked of VARGAS-Leon and he was placed back into a holding cell.

9. Your Affiant is aware from his training and experience that the firearms seized in this matter were manufactured outside the State of Missouri and travelled here in interstate commerce.



Special Agent Gregory Bowie
Homeland Security Investigations

Sworn and subscribed before me this 23rd day of July, 2018.



David P. Rush
United States Magistrate Judge